

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

| | | |
|---------------------------|---|----------------------|
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Criminal No. 2008-20 |
| v. |) | |
| |) | |
| SIDNEI LUCAS De MIRANDA, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

ATTORNEYS:

Ishmael A. Meyers, Jr., AUSA
St. Thomas, U.S.V.I.
for the plaintiff,

Jesse A. Gessin, AFPD
St. Thomas, U.S.V.I.
for the defendant.

SENTENCING MEMORANDUM OPINION

GÓMEZ, C.J.

The defendant, Sidnei Lucas De Miranda ("De Miranda"), was indicted on May 2, 2008, for re-entering the United States, after having been removed, in violation of 8 U.S.C. § 1326(a). Following a two day trial, a jury convicted De Miranda.

On January 9, 2009, the Court held a sentencing hearing. At the conclusion of the hearing, the Court sentenced De Miranda to a term of time served. This opinion outlines the factors considered by the Court when it imposed that sentence.

United States v. De Miranda
Criminal No. 2008-20
Sentencing Memorandum Opinion
Page 2

In addition to the United States Sentencing Commission, Guidelines Manual, and the relevant statutes, the Court is required to give "meaningful consideration" to the factors set out in 18 U.S.C. § 3553(a) ("Section 3553(a)"). *United States v. Cooper*, 437 F.3d 324, 329 (3d Cir. 2006). Section 3553(a), in pertinent part, provides:

The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider-

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed-
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established

18 U.S.C. § 3553(a).

The crime of which De Miranda was convicted is a serious offense. Considering the Section 3553(a) factors, the Court imposed a sentence that would promote respect for the law and

United States v. De Miranda
Criminal No. 08-20
Sentencing Memorandum Opinion
Page 3

deter such criminal conduct. Additionally, the sentence imposed effects parity with similarly situated defendants.

S\

CURTIS V. GÓMEZ
Chief Judge